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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,807	07/10/2003	Mearl J. Minter		2277

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BRETT J. TROUT, PC
516 WALNUT
DES MOINES, IA 50309

EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/616,807

Applicant(s)

MINTER ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action.

Claim Objections

1. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim(s) in independent form. In claim 10, it is not clear what is meant by “further comprising a window frame within which is a sash defined by said first leg and said second leg is provide”. Notice, the “window frame” is a combination and while the “corner lock” is a sub-combination. And, the sash does not deemed to be defined by the legs of the corner lock as claimed. Therefore, the scope of claimed invention of this claim is confusing.

Due to the confusion, claim 10 has not been treated on merits.

2. Claims 8 and 15 are objected to because of the following informalities: the term “said second slot” lacks a proper antecedent basis.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In these claims, the cited sub combination features “said rail engager extends exterior of said second frame member” (claim 1, line 17) and “said slider being located exterior of said first frame member” (claim 17) fail to directly recite the corner lock elements relative to the frame member since the first frame member only functionally recited by the phrase “for engaging ..”. Therefore, the limitation as recited does not appear to consist with the limitation of the body of the claim. Appropriated correction is required.

Due to the confusion, the claims 1 and 17 are being treated on the merits as a sub combination, a corner lock only.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 11-13, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverman (US Patent No. 6,845,593).

Silverman shows and discloses a window comprising a fixed window frame, a movable frame such as a sash frame, the movable frame comprising a first frame member (10) and a second tubular frame member (60), corner locks (42) each having a first longitudinally extending leg (52) being connected to a second longitudinally extending leg (46) by a corner piece (48),

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said the first longitudinally extending leg (52) slidably engaging an interior surface (80) of the first frame member (10), the second longitudinally extending leg (46) slidably engaging an interior surface (68) of the second frame member (64), the first longitudinally extending leg (52) including a pin receiver having an elongated slot (58), a rail pin (30) including a rail engaging flange (36B), a thick shaft (34), a thin shaft (38), and a tapered catch (32) being inserted into the elongated slot to provide a first means for preventing the rail pin disengaging from the pin receiver in a first direction, the keyway (56) providing means for preventing the rail pin from disengaging from the pin receiver in an opposite direction, and the thin shaft (38) providing means for preventing rotation of the rail pin relative to the pin receiver, a spring (76) around the thin shaft (40), and a rail engaging flange (36A) extending outward to an exterior of the first frame member for operating the rail pin in an locking position to lock the sash frame to the window frame, and a release position to release the sash frame from the window frame as claimed.

Allowable Subject Matter

7. Claims 18-20 are allowed.
8. Claims 5-9 and 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Citations

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White '701, Kenkel '869, Watson '854, Kleine et al. '838, Liang '696, and Therrien

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'365 teach various corner locks as similar to the claimed invention. Mader et al. teaches a lock having brackets with slots as similar to the claimed invention. Cole '634 and Berdan '567 teach various corner member having legs fins providing means for engaging the legs to the frame members as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
September 27, 2005